

**TOWN MANAGER**  
Ken Deal

**TOWN CLERK**  
Pamela Mills

**TOWN ATTORNEY**  
Tom Brooke



**MAYOR**  
Charles Seaford

**TOWN COUNCIL**  
Don Bringle  
Arthur Heggins  
Brandon Linn  
Rodney Phillips  
Steve Stroud

**CHINA GROVE PLANNING BOARD MEETING  
ELECTRONIC MEETING  
Minutes of Regular Meeting  
Tuesday, May 11, 2021**

The China Grove Planning Board met electronically on Tuesday, May 11, 2021 at 7:00 PM at the China Grove Town Hall, 333 North Main Street, China Grove, North Carolina.

**Planning Board Members Virtually Present:** David Morton, Chairman  
Butch Bivens, Vice Chairman  
Jason Higgins  
Rodney Phillips  
Joel Maynor  
Brie Bivens-Hager

**Planning Board Members Absent:** Natalie Morgan

**Staff Virtually Present:** Pamela Mills, Town Clerk  
Franklin Gover, Assistant Town Manager

**Visitors Virtually Present:** Tom Brooke

**Roll Call and Recognition of Quorum**

Vice Chairman Bivens called the meeting to order at 7:00 PM. The presence of a quorum was recognized at that time.

**Approval/ Corrections of Minutes**

Mr. Phillips made the motion to approve the April 5<sup>th</sup> & 8<sup>th</sup>, 2021 minutes. Mrs. Bivens-Hager seconded the motion, upon roll call vote Mr. Higgins voted yes, Mr. Maynor voted yes, Vice Chairman Bivens voted yes. (5-0)

**Adopt Agenda**

Mr. Gover added to the agenda High Density Watersheds. Mr. Phillips made the motion to adopt the Agenda. Mr. Higgins seconded the motion, upon roll call vote Mr. Maynor voted yes, Mrs. Bivens-Hager voted yes, Vice Chairman Bivens voted yes. (5-0)

**Public Comment**

None

**High Density Watersheds**

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Mr. Gover stated he is presenting an upcoming text amendment to allow high density watersheds. He stated China Grove has three areas that are Water Supply Watersheds. He stated there is state law that restricts development in these areas. He stated a text amendment is needed to allow for high density in these areas. He stated right now China Grove has low density watershed areas. He stated when you have low density watershed you follow a 10/70 rule. He stated this means 10% of the watershed area can be developed up to 70%. He stated the town's allocation is about 202 acres. He stated with all the other development over the past years the town's allotment is down to 115 acres. He stated as it stands the allocation will be wiped out by one development. He stated once your allocation is out you are required to adopt the high density areas. He stated high density watersheds require stormwater control measures. He stated China Grove is a MS4 community which has a separate stormwater drainage system from the sewer system. He stated high density allows up to 70% built upon area. He stated he has been working with Paul Clark from NCDQ to update the ordinance. He stated hopefully by the next meeting he should have the text amendment complete for review.

Chairman Morton joined at 7:13 p.m.

### **Chapter 160D- Unified Development Ordinance update**

Mr. Gover stated we have reviewed Chapter 160D the past couple of months. He stated this update is a compressive update of city and county planning and zoning laws. He stated 153A was for counties and 160A was for cities and they have taken the articles in those chapters concerning planning and zoning and merged them into a new chapter 160D. He stated some of the new items is Conditional Zoning that replaces the Conditional Use Zoning. He stated other changes are Vested Rights, Permit Choice, Application Completeness and Administrative Modifications. He stated they clarified Performance Guarantees by placing it all in one chapter. He stated some terminology changes are CUP (Conditional Use Permit) to SUP (Special Use Permit) and CU (Conditional Use) to CZ (Conditional Zoning).

Chairman Morton opened the courtesy hearing.

Chairman Morton recessed the courtesy hearing until Thursday, May 13th, 2021 at 7:00 PM to allow for the 24-hour written public comment requirement.

### **2021-TA-01; Building Height Modifications**

Mr. Gover stated he has had discussions with major developers where the buildings height is 90 ft plus. He stated our ordinance through conditional use permit would allow for higher buildings but the ordinance conflicts with itself. He stated building height restrictions promotes incremental development especially in the downtown area. He stated China Grove allows 3 stories for a single family dwelling in most of the residential areas. He stated 2 stories is allowed in manufactured home district. He stated 3 stories is allowed in central business area or 45 ft. He stated he would recommend administrative modifications or TRC modifications vs SUP (quasi-judicial). He stated our goal is to be more flexible. He stated proposed Section 5.3 A, would allow for the maximum height limits set forth in Chapter 3 be increased by one foot for every additional foot provided between the building footprint and the minimum required setbacks in accordance with this ordinance.

Chairman Morton asked if this is just to address the central business district. Mr. Gover stated it is for any district. Chairman Morton stated 15% is not much of an increase in the proposed Section 5.3 B for central business district. He stated this only adds 12 more feet to the allowed amount. He stated in the light industrial district it would allow for a high-rise building.

Mr. Phillips asked if proposed Section 5.3 A by right or approved by the Town Council. Mr. Gover stated as written it would be an administrative decision. Mr. Phillips asked if administration would have the

ability to deny the increase. Mr. Gover stated yes the administration has the right to deny it. Mr. Phillips asked what the appeal process would be if administration denied it. Mr. Gover stated it would go to the Board of Adjustment. He stated all administration decisions can be applied to the Board of Adjustment.

Mr. Phillips asked if there was anything driving this amendment. Mr. Gover stated interested developers looking at land off of I-85.

Chairman Morton stated giving the central business district we have do we want any buildings to be that tall. Mr. Gover stated most of the buildings downtown are one or two stories. He stated there are only a few that are three.

Chairman Morton welcome new member Joel Maynor. Mr. Maynor thanked Chairman Morton and stated he is looking forward to serving on the board.

Chairman Morton recessed the meeting until Thursday, May 13<sup>th</sup>, 2021 at 7:00 PM.

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David Morton  
Chairman

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Pamela L. Mills, CMC  
Town Clerk